

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDWARDS LIFESCIENCES, LLC, et al.,

Plaintiffs,

v.

COOK INCORPORATED, et al.

Defendants.

No. C 03-03817 JSW

**ORDER TO PLAINTIFFS TO
SHOW CAUSE WHY EXHIBIT
SHOULD NOT BE FILED IN THE
PUBLIC RECORD**

On March 7, 2008, Defendant W.L. Gore & Associates, Inc. filed a request for a sealing order pursuant to Northern District Civil Local Rule 79-5(d), in which it seeks to file under seal documents designated confidential by Plaintiffs, specifically Exhibits F, G, M, N, O, P and Q to the Declaration of Gerard A. Haddad in Support of Defendant W.L. Gore & Associates, Inc.'s Reply in Support of Its Motion for Leave to File an Amended Answer to Plaintiffs' Second Amended Complaint.


Pursuant to Rule 79-5(d), when such a request is made, within five (5) days thereafter, "the designating party must file with the Court and serve a declaration establishing that the designated information is sealable." If the designating fails to file such a declaration, "the document or proposed filing will be made part of the public record."

Plaintiffs declaration was due to be filed on March 14, 2008, but has not yet been filed. Accordingly, Plaintiffs are HEREBY ORDERED to file a declaration establishing cause for sealing the above mentioned exhibits by no later than March 19, 2008. If Plaintiffs fail to comply with this Order, the Court shall deny Gore's motion and shall order the Exhibits filed in the public record. The Court also notes that this is the last time it will remind *any party* to this

1 case of their obligations under Local Rule 79-5(d). Failure to file the requisite declaration
2 within the required time period will *automatically* result in the Court denying a motion to seal
3 and ordering the exhibits filed in the public record.

4 **IT IS SO ORDERED.**

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6 Dated: March 17, 2008

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8 JEFFREY S. WHITE
9 UNITED STATES DISTRICT JUDGE
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